

FILED
CHARLOTTE, N.C.

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

MAY 17 AM 9:49

Civil Action File No. 3:01CV25249 U.S. DISTRICT COURT
W.D.N.C.

JACKIE DAWN LUTZ,)
)
Plaintiff,)
)
vs.) NOTICE OF REMOVAL
)
PIKE ELECTRIC, INC., DONALD)
ANDERSON, NEAL SANDERS,)
ERNEST JOHNSON, BOBBY ELLIS,)
)
Defendants.)
)

Defendants, Pike Electric, Inc., Donald Anderson, Neal Sanders, Ernest Johnson and Bobby Ellis hereby give Notice of Removal of the above-styled case from the Union County, North Carolina General Court of Justice, Superior Court Division, to the United States District Court for the Western District of North Carolina, Charlotte Division, on the following grounds:

1. On or about March 28, 2001, the plaintiff filed an action against the defendants in the Union County, North Carolina General Court of Justice, Superior Court Division. The case filed by the plaintiff is styled, Jackie Dawn Lutz, Plaintiff v. Pike Electric, Inc., Donald Anderson, Neal Sanders, Ernest Johnson and Bobby Ellis, Defendants, 01 CvS 00601.

2. A copy of the Summons, Complaint, Amended Complaint and all other pleadings of record filed in the state court are attached as Exhibit 1. The Complaint is the initial pleading setting forth the claims upon which the action is based. The earliest service date for any of the defendants was April 25, 2001, when Pike Electric, Inc. was served with the Summons and Complaint; accordingly, this Notice is timely pursuant to 28 U.S.C. § 1446(b).

3. In this action, the plaintiff seeks to recover against the defendants for alleged "violation of her rights under Title VII of the Civil Rights Act of 1964." Therefore, this Court has original jurisdiction of the action under 28 U.S.C. § 1331.

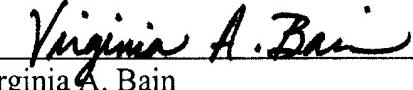
4. For the reason set forth above, this action is one over which the United States District Court has removal jurisdiction pursuant to 28 U.S.C. §§ 1441 and 1446. This Notice is filed within thirty days from the date of first notice of the action, and less than one year from the date the action was filed in the Superior Court of Union County, North Carolina. A true and accurate copy of this Notice will be filed with the Clerk of the Superior Court of Union County, North Carolina, promptly after filing with this Court.

WHEREFORE, based upon the Court's federal question jurisdiction, defendants hereby remove and give Notice of the Removal of this action.

This the 14 day of May, 2001.


Julie C. Theall

N.C. State Bar No. 13732


Virginia A. Bain

N.C. State Bar No. 26428

Attorneys for Defendants

OF COUNSEL:

SMITH HELMS MULLISS & MOORE, L.L.P.
300 N. Greene Street, Suite 1400
Post Office Box 21927
Greensboro, North Carolina 27420
Telephone: (336) 378-5200

CERTIFICATE OF SERVICE

This is to certify that the foregoing Notice of Removal has been duly served upon the plaintiff by depositing a copy thereof in the United States mail, first-class, postage prepaid, addressed to the following counsel of record:

Michael A. Johnson, Jr.
153 Church Street, N.E.
Concord, North Carolina 28025
Attorney for Plaintiff

This the 16 day of May, 2001.

J. C. Theall

Julie C. Theall
N.C. State Bar No. 13732

STATE OF NORTH CAROLINA

FILED

File No.

01 Cvs

1CVS00601

UNION

County MAR 23 A.M. 8:02

In the General Court of Justice
 District Superior Court Division

UNION COUNTY, N.C.

Plaintiff's Name: JACKIE DAWN LUTZ

BY

Address: C/O MICHAEL JOHNSON, 153 CHURCH STREET, NORTH

City, State & Zip: CONCORD, NORTH CAROLINA 28025

VERSUS

Defendant

PIKE ELECTRIC, INC., AND DONALD ANDERSON,
NEAL SANDERS, ERNEST JOHNSON AND BOBBY
ELLIS

TO: Name & Address of First Defendant

PIKE ELECTRIC, INC.
C/O REGINALD L. BANNER
351 RIVERSIDE DRIVE
MOUNT AIRY, NC 27030

336 789-2171

CIVIL SUMMONS

GS 1A-1, Rules 3, 4

* Alias and Pluries Summons

The summons originally issued against you was returned not served.

Date Last Summons Issued

* Disregard this section unless the block is checked

TO: Name & Address of Second Defendant

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the plaintiff or his attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy, or by mailing it, to the plaintiff at the plaintiff's last known address, and

2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the court for the relief demanded in the complaint.

Name and Address of Plaintiff's Attorney (If none, Address of Plaintiff)

Michael A. Johnson, Jr.
MICHAEL A. JOHNSON, JR., P.A.
153 Church Street, North
Concord, NC 28025
(704) 788-6721

Date Issued

3-28-01

Time Issued

8:00

AM PM

Signature

Deputy CSC Assistant CSC Clerk of Superior Court

ENDORSEMENT

Date of Endorsement

Time Issued

AM PM

Signature

Deputy CSC Assistant CSC Clerk of Superior Court

This summons was originally issued on the date indicated above and was returned not served. At the request of the plaintiff, the time within which the summons must be served is extended thirty (30) days.

1CVS00601

1 Michael A. Johnson, Jr., P.A.
153 Church Street, NE
2 Concord, North Carolina 28025
Telephone: (704) 788-6721
3 Facsimile: (704) 795-9826

4 Jackie Dawn Lutz

5/17/01 2001 GCM:jl

UNION C. CLERK C.S.C.

BY _____

6 THE GENERAL COURT OF JUSTICE

7 SUPERIOR COURT DIVISION

8 UNION COUNTY, NORTH CAROLINA

10
11 JACKIE DAWN LUTZ,

01 CvS

12 Plaintiff,

C O M P L A I N T

13 vs.

(Jury Trial Demanded)

14 PIKE ELECTRIC, INC., DONALD ANDERSON, NEAL SANDERS.

15 ERNEST JOHNSON, BOBBY ELLIS,

16 Defendant

17
18 I. INTRODUCTION

19 This is an action for sexual harassment and constructive discharge of Plaintiff Jackie Dawn Lutz by Defendants
20 Donald Anderson, Neal Sanders, Ernest Johnson, Bobby Ellis and Pike Electric, Inc., and for violation and for
21 violation of Plaintiff's rights under Title VII of the Civil Rights Act of 1964. This is also an action for Assault and
22 Battery against Ernest Johnson.

23 II. PARTIES

- 24 1. Plaintiff Jackie Dawn Lutz is a citizen and resident of the United States and a resident of the City of
Monroe, Union County, North Carolina.
- 25 2. Defendant, Pike Electric, Inc. (Pike) is a North Carolina corporation that was doing business in the City of
Charlotte, Mecklenburg County, North Carolina. Defendant Pike was at all relevant times an employer
26 within the meaning of Section 701(b), (g) and (h) of Title VII of the Civil Rights Act of 1964, and at all
relevant times has had more than 15 employees.

3. Defendant Donald Anderson was at all relevant times Vice President of the Defendant Pike, and was at all relevant times an employer and agent of an employer within the meaning of Title VII of the Civil Rights Act of 1964. Defendant Donald Anderson is upon information and belief a resident of Mecklenburg County, North Carolina.
4. Defendant Neal Sanders was at all relevant times Regional Supervisor of the Defendant Pike, and was at all relevant times an employer and agent of an employer within the meaning of Title VII of the Civil Rights Act of 1964. Defendant Neal Sanders is upon information and belief a resident of Mecklenburg County, North Carolina.
5. Defendant Ernest Johnson was at all relevant times Zone Supervisor of the Defendant Pike, and was at all relevant times an employer and agent of an employer within the meaning of Title VII of the Civil Rights Act of 1964. Defendant Ernest Johnson is upon information and belief a resident of Mecklenburg County, North Carolina.
6. Defendant Bobby Ellis was at all relevant times Zone Supervisor of the Defendant Pike, and was at all relevant times an employer and agent of an employer within the meaning of Title VII of the Civil Rights Act of 1964. Defendant Bobby Ellis is upon information and belief a resident of Mecklenburg County, North Carolina.

III. JURISDICTIONAL STATEMENT

7. Plaintiff brings this action pursuant to the common law of the State of North Carolina, Title VII of the Civil Rights Act of 1964, 42 U. S. C. 2000e et. Seq., and Title I of the Civil Rights Act of 1991, 42 U. S. C. 1981a.

IV. FACTUAL STATEMENT

8. Plaintiff Jackie Dawn Lutz was employed by Defendant Pike from March 16, 1998, until April 14, 2000.
9. Plaintiff at the time of her constructive discharge was a secretary/dispatcher for the Defendant Neil Sanders.
10. During the entire tenure of her employment with the Defendant Pike, Plaintiff Lutz was sexually harassed by various management personnel of the Defendant Pike.
11. Such harassment included Mike Stillwell saying, "I like your dress and everything in it even better. Bobby Ellis was constantly kissing at Plaintiff, even after he was cautioned by supervisor Bo Lankford. Ernest Johnson popped Plaintiff on the rear end with rolled up papers. Bobby Ellis gave Plaintiff a Pike Golf Shirt.

When Plaintiff wore the golf Shirt Bobby Ellis told Plaintiff, she was suppose to wear the shirt without a
bra. Earnest Johnson coming up from behind and massaging Plaintiff shoulders, and Neil Sanders and
Donald Anderson carried on a conversation about the size of a doctor's fingers and that Plaintiff would
probably want to know that doctors name. Plaintiff rejected all comments and sexual advances made by
anyone at Pike.

12. As a result of this hostile work environment Plaintiff could no longer take the pressure and was
7 constructively discharged from her position.
13. More than 180 days prior to filing this action, Plaintiff filed a charge of discrimination with the EEOC
9 alleging that she had been discriminated against by all the Defendants, when she was harassed and
10 constructively discharged.

V. LEGAL CLAIMS

PLAINTIFF'S FIRST CAUSE OF ACTION - - Quid Pro Quo Sexual Harassment and Wrongful Termination of

Employment and in Violation of North Carolina Public Policy

14. The Paragraphs enumerated here and above are reincorporated by reference herein.
15. The public policy of the State of North Carolina includes the prohibition against discriminating against
16 employees who refuse sexual advances and reject sexual harassment in violations of Title VII of the Civil
17 Rights Act of 1964.
18. In allowing and participating in the sexual harassment and constructively discharging the Plaintiff the
19 Defendants violated the public policy of the State of North Carolina.
20. As a result of Defendants' acts, Plaintiff has lost wages and benefits, and suffered emotional distress.
21 Plaintiff is entitled to receive compensatory damages in an amount in excess of \$10,000.00
22. Defendants' actions were done maliciously, willfully or wantonly, or in a manner that demonstrates a
23 reckless disregard for the Plaintiff's rights. As a result of Defendants' conduct, Plaintiff is entitled to
24 recover punitive damages in an amount in excess of \$10,000.00

B. PLAINTIFF'S SECOND CAUSE OF ACTION - - Violation of Title VII

25. Since at least the fall of 1999, the Defendants have engaged in unlawful employment practices at the
26 Charlotte office of Pike Electric, Inc., in violation of Section 703 and 704(a) of the Title VII of the Civil
27 Rights Act of 1964, 42 U.S.C. 2000e-2 and 3(a) et. seq.

1 20. Plaintiff has satisfied the jurisdictional prerequisites to an action under Title VII by filing a charge of
2 discrimination against Defendants within 180 days of her termination. Plaintiff has received a right to sue
3 letter from the EEOC.

4 21. Defendants sexually harassed Plaintiff to the extent that it created a work environment so severe and
5 hostile that she was constructively discharged. Defendants' acts constitute a violation of Title VII's
6 prohibition against sex discrimination, including sexual harassment. Defendants have violated Section
7 704(a) of Title VII, 42 U. S. C. 2000e-3(a).

8 22. As a proximate result of Defendants' wrongful conduct Plaintiff suffered loss of wages and benefits,
9 emotional distress, humiliation, loss of reputation and other damages in an amount in excess of
10 \$10,000.00.

11 23. Defendants' actions were done maliciously, willfully or wantonly, or in a manner that demonstrates a
12 reckless disregard for the Plaintiff's rights. As a result of Defendant's conduct, Plaintiff is entitled to
13 recover punitive damages in an amount in excess of \$10,000.00.

14 C. **PLAINTIFF'S THIRD CAUSE OF ACTION - - Assault and Battery**

15 24. Earnest Johnson hit Plaintiff on the rear end with a rolled up paper after approaching Plaintiff from behind.

16 25. Plaintiff rejected this advance and made it clear to Earnest Johnson that this behavior was not acceptable.

17 26. Earnest Johnson touched the Plaintiff without her consent.

18 27. Plaintiff was kept constantly aware of and in apprehension of Earnest Johnson.

19 28. Plaintiff was in fear of a subsequent attack on her person.

20 29. Earnest Johnson again approached the Plaintiff from behind and began messaging Plaintiff's shoulders.

21 30. Plaintiff pulled away and again made it clear to Earnest Johnson that this touching was not with her
22 consent and was unwanted.

23 31. As a direct and proximate result of Earnest Johnson's placing Plaintiff in apprehension of being touched;
24 and Plaintiff being offensively touched, Plaintiff lost wages and benefits, suffered emotional distress,
25 humiliation, loss of reputation and other compensatory damages in an amount in excess of Ten Thousand
26 Dollars (\$10,000.00).

27 32. Earnest Johnson's actions were done maliciously, willfully or wantonly or in a manner that demonstrates
28 a reckless disregard for the Plaintiff's rights. As a result of Defendants' conduct, Plaintiff is entitled to
29 recover punitive damages in an amount in excess of Ten Thousand Dollars (\$10,000.00).

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IV. JURY TRIAL DEMANDED

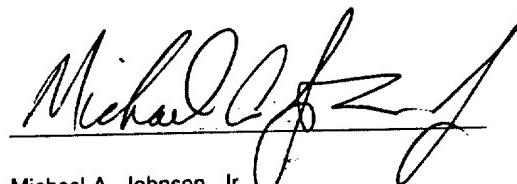
2 33. Plaintiff hereby demands a trial by jury.
4
5

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays this Honorable Court enter judgment against Defendants as follows:

1. Enter a judgment against the Defendants finding that they have sexually harassed and constructively discharged Plaintiff;
2. Declare that Defendants have violated Plaintiff's rights under Title VII of the Civil Rights Act of 1964;
3. Award Plaintiff compensatory damages in excess of \$10,000.00, including damages for financial loss suffered and for emotional pain and suffering; humiliation, anxiety, loss of reputation, and harm to Plaintiff's economic opportunities;
4. Award Plaintiff punitive damages for Defendants' willful and malicious conduct;
5. Award Plaintiff costs and reasonable attorney fees to Plaintiff's attorney;
6. Award Plaintiff prejudgment interest on the above;
7. Grant such other relief to Plaintiff as this Court deems equitable.

Respectfully submitted,



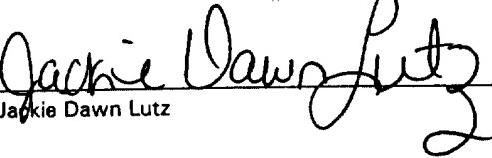
Michael A. Johnson, Jr.
153 Church Street, NE
Concord, North Carolina 28025
Telephone: (704) 788-6721
Facsimile: (704) 795-9826

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VERIFICATION

STATE OF NORTH CAROLINA
CABARRUS COUNTY

Jackie Dawn Lutz, being duly sworn deposes and says:

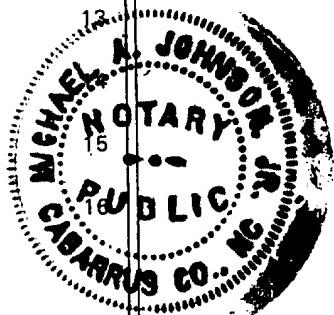
That the contents of the foregoing Complaint are true to her own knowledge, except as to matters stated upon information and belief, and as to those matters (s)he believes them to be true.


Jackie Dawn Lutz

Sworn to and subscribed before me, this
27th day of March, 2001.


Michael A. Johnson
Notary Public

My Commission Expires: August 4, 2003



STATE OF NORTH CAROLINA

File No.

01 Cvs

1CVS00601

FILED

Film No.

UNIONCounty

11/20 AM 8:02

In the General Court of Justice

 District Superior Court Division

UNION COUNTY

C.S.C.

Plaintiff's Name: JACKIE DAWN LUTZ

BY

Address: C/O MICHAEL JOHNSON, 153 CHURCH STREET, NORTH

City, State & Zip: CONCORD, NORTH CAROLINA 28025

VERSUS

CIVIL SUMMONS

GS 1A-1, Rule 3.4

* Alias and Pluris Summons

The summons originally issued against you was returned not served.

Defendant

PIKE ELECTRIC, INC., AND DONALD ANDERSON,
NEAL SANDERS, ERNEST JOHNSON AND BOBBY
ELLIS

Date Last Summons Issued

* Disregard this section unless
the block is checked

TO: Name & Address of First Defendant

DONALD ANDERSON
4150 PEBBLE STREET
CHARLOTTE, NC 28201

704

TO: Name & Address of Second Defendant

Neal Sanders
4150 PEBBLE STREET
CHARLOTTE, NC 28201

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or his attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy, or by mailing it, to the plaintiff at the plaintiff's last known address, and

2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the court for the relief demanded in the complaint.

Name and Address of Plaintiff's Attorney (If none, Address of Plaintiff)

Michael A. Johnson, Jr.
MICHAEL A. JOHNSON, JR., P.A.
153 Church Street, North
Concord, NC 28025
(704) 788-6721

Date Issued

3-28-01

Time Issued

8:00 AM PM

Signature

Elizabeth W. Flory

 Deputy CSC Assistant CSC Clerk of Superior Court ENDORSEMENT

Date of Endorsement

Time Issued

 AM PM

Signature

 Deputy CSC Assistant CSC Clerk of Superior Court

This summons was originally issued on the date indicated above and was returned not served. At the request of the plaintiff, the time within which the summons must be served is extended thirty (30) days.

1CV500601

FILED

05/17/01 AM 9:02

UNION COUNTY, C.S.C.

BY _____

1 Michael A. Johnson, Jr., P.A.
2 153 Church Street, NE
Concord, North Carolina 28025
Telephone: (704) 788-6721
3 Facsimile: (704) 795-9826

4 Jackie Dawn Lutz

5
6 THE GENERAL COURT OF JUSTICE
7 SUPERIOR COURT DIVISION
8 UNION COUNTY, NORTH CAROLINA
9
10

11 JACKIE DAWN LUTZ,

01 CvS

12 Plaintiff,

C O M P L A I N T

13 vs.
14 PIKE ELECTRIC, INC., DONALD ANDERSON, NEAL SANDERS.

(Jury Trial Demanded)

15 ERNEST JOHNSON, BOBBY ELLIS,

16 Defendant

17
18 I. INTRODUCTION
19 This is an action for sexual harassment and constructive discharge of Plaintiff Jackie Dawn Lutz by Defendants
20 Donald Anderson, Neal Sanders, Ernest Johnson, Bobby Ellis and Pike Electric, Inc., and for violation and for
21 violation of Plaintiff's rights under Title VII of the Civil Rights Act of 1964. This is also an action for Assault and
22 Battery against Ernest Johnson.

23 II. PARTIES

- 24 1. Plaintiff Jackie Dawn Lutz is a citizen and resident of the United States and a resident of the City of
Monroe, Union County, North Carolina.
25
26 2. Defendant, Pike Electric, Inc. (Pike) is a North Carolina corporation that was doing business in the City of
Charlotte, Mecklenburg County, North Carolina. Defendant Pike was at all relevant times an employer
27 within the meaning of Section 701(b),(g) and (h) of Title VII of the Civil Rights Act of 1964, and at all
28 relevant times has had more than 15 employees.
29

3. Defendant Donald Anderson was at all relevant times Vice President of the Defendant Pike, and was at all relevant times an employer and agent of an employer within the meaning of Title VII of the Civil Rights Act of 1964. Defendant Donald Anderson is upon information and belief a resident of Mecklenburg County, North Carolina.
4. Defendant Neal Sanders was at all relevant times Regional Supervisor of the Defendant Pike, and was at all relevant times an employer and agent of an employer within the meaning of Title VII of the Civil Rights Act of 1964. Defendant Neal Sanders is upon information and belief a resident of Mecklenburg County, North Carolina.
5. Defendant Ernest Johnson was at all relevant times Zone Supervisor of the Defendant Pike, and was at all relevant times an employer and agent of an employer within the meaning of Title VII of the Civil Rights Act of 1964. Defendant Ernest Johnson is upon information and belief a resident of Mecklenburg County, North Carolina.
6. Defendant Bobby Ellis was at all relevant times Zone Supervisor of the Defendant Pike, and was at all relevant times an employer and agent of an employer within the meaning of Title VII of the Civil Rights Act of 1964. Defendant Bobby Ellis is upon information and belief a resident of Mecklenburg County, North Carolina.

III. JURISDICTIONAL STATEMENT

7. Plaintiff brings this action pursuant to the common law of the State of North Carolina, Title VII of the Civil Rights Act of 1964, 42 U. S. C. 2000e et. Seq., and Title I of the Civil Rights Act of 1991, 42 U. S. C. 1981a.

IV. FACTUAL STATEMENT

8. Plaintiff Jackie Dawn Lutz was employed by Defendant Pike from March 16, 1998, until April 14, 2000.
9. Plaintiff at the time of her constructive discharge was a secretary/dispatcher for the Defendant Neil Sanders.
10. During the entire tenure of her employment with the Defendant Pike, Plaintiff Lutz was sexually harassed by various management personnel of the Defendant Pike.
11. Such harassment included Mike Stillwell saying, "I like your dress and everything in it even better. Bobby Ellis was constantly kissing at Plaintiff, even after he was cautioned by supervisor Bo Lankford. Earnest Johnson popped Plaintiff on the rear end with rolled up papers. Bobby Ellis gave Plaintiff a Pike Golf Shirt.

When Plaintiff wore the golf Shirt Bobby Ellis told Plaintiff, she was suppose to wear the shirt without a bra. Earnest Johnson coming up from behind and massaging Plaintiff shoulders, and Neil Sanders and Donald Anderson carried on a conversation about the size of a doctor's fingers and that Plaintiff would probably want to know that doctors name. Plaintiff rejected all comments and sexual advances made by anyone at Pike.

12. As a result of this hostile work environment Plaintiff could no longer take the pressure and was constructively discharged from her position.
13. More than 180 days prior to filing this action, Plaintiff filed a charge of discrimination with the EEOC alleging that she had been discriminated against by all the Defendants, when she was harassed and constructively discharged.

V. LEGAL CLAIMS

PLAINTIFF'S FIRST CAUSE OF ACTION - - Quid Pro Quo Sexual Harassment and Wrongful Termination of

Employment and in Violation of North Carolina Public Policy

14. The Paragraphs enumerated here and above are reincorporated by reference herein.
15. The public policy of the State of North Carolina includes the prohibition against discriminating against employees who refuse sexual advances and reject sexual harassment in violations of Title VII of the Civil Rights Act of 1964.
16. In allowing and participating in the sexual harassment and constructively discharging the Plaintiff the Defendants violated the public policy of the State of North Carolina.
17. As a result of Defendants' acts, Plaintiff has lost wages and benefits, and suffered emotional distress. Plaintiff is entitled to receive compensatory damages in an amount in excess of \$10,000.00
18. Defendants' actions were done maliciously, willfully or wantonly, or in a manner that demonstrates a reckless disregard for the Plaintiff's rights. As a result of Defendants' conduct, Plaintiff is entitled to recover punitive damages in an amount in excess of \$10,000.00

B. PLAINTIFF'S SECOND CAUSE OF ACTION - - Violation of Title VII

19. Since at least the fall of 1999, the Defendants have engaged in unlawful employment practices at the Charlotte office of Pike Electric, Inc., in violation of Section 703 and 704(a) of the Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-2 and 3(a) et. seq.

- 1 20. Plaintiff has satisfied the jurisdictional prerequisites to an action under Title VII by filing a charge of
2 discrimination against Defendants within 180 days of her termination. Plaintiff has received a right to sue
3 letter from the EEOC.
- 4 21. Defendants sexually harassed Plaintiff to the extent that it created a work environment so severe and
5 hostile that she was constructively discharged. Defendants' acts constitute a violation of Title VII's
6 prohibition against sex discrimination, including sexual harassment. Defendants have violated Section
7 704(a) of Title VII, 42 U. S. C. 2000e-3(a).
- 8 22. As a proximate result of Defendants' wrongful conduct Plaintiff suffered loss of wages and benefits,
9 emotional distress, humiliation, loss of reputation and other damages in an amount in excess of
10 \$10,000.00.
- 11 23. Defendants' actions were done maliciously, willfully or wantonly, or in a manner that demonstrates a
12 reckless disregard for the Plaintiff's rights. As a result of Defendant's conduct, Plaintiff is entitled to
13 recover punitive damages in an amount in excess of \$10,000.00.
- 14 C. **PLAINTIFF'S THIRD CAUSE OF ACTION -- Assault and Battery**
- 15 24. Earnest Johnson hit Plaintiff on the rear end with a rolled up paper after approaching Plaintiff from behind.
- 16 25. Plaintiff rejected this advance and made it clear to Earnest Johnson that this behavior was not acceptable.
- 17 26. Earnest Johnson touched the Plaintiff without her consent.
- 18 27. Plaintiff was kept constantly aware of and in apprehension of Earnest Johnson.
- 19 28. Plaintiff was in fear of a subsequent attack on her person.
- 20 29. Earnest Johnson again approached the Plaintiff from behind and began messaging Plaintiff's shoulders.
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22 consent and was unwanted.
- 23 31. As a direct and proximate result of Earnest Johnson's placing Plaintiff in apprehension of being touched;
24 and Plaintiff being offensively touched, Plaintiff lost wages and benefits, suffered emotional distress,
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26 Dollars (\$10,000.00).
- 27 32. Earnest Johnson's actions were done maliciously, willfully or wantonly or in a manner that demonstrates a
28 reckless disregard for the Plaintiff's rights. As a result of Defendants' conduct, Plaintiff is entitled to
29 recover punitive damages in an amount in excess of Ten Thousand Dollars (\$10,000.00).

IV. JURY TRIAL DEMANDED

33. Plaintiff hereby demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays this Honorable Court enter judgment against Defendants as follows:

1. Enter a judgment against the Defendants finding that they have sexually harassed and constructively discharged Plaintiff;
 2. Declare that Defendants have violated Plaintiff's rights under Title VII of the Civil Rights Act of 1964;
 3. Award Plaintiff compensatory damages in excess of \$10,000.00, including damages for financial loss suffered and for emotional pain and suffering; humiliation, anxiety, loss of reputation, and harm to Plaintiff's economic opportunities;
 4. Award Plaintiff punitive damages for Defendants' willful and malicious conduct;
 5. Award Plaintiff costs and reasonable attorney fees to Plaintiff's attorney;
 6. Award Plaintiff prejudgment interest on the above;
 7. Grant such other relief to Plaintiff as this Court deems equitable.

Respectfully submitted,

Michael A. Johnson, Jr.
153 Church Street, NE
Concord, North Carolina 28025
Telephone: (704) 788-6721
Facsimile: (704) 795-9826

1 VERIFICATION
2

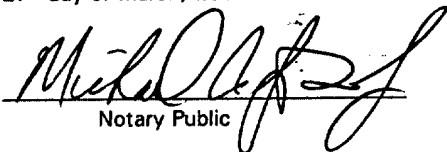
3 STATE OF NORTH CAROLINA
4 CABARRUS COUNTY

5 Jackie Dawn Lutz, being duly sworn deposes and says:
6

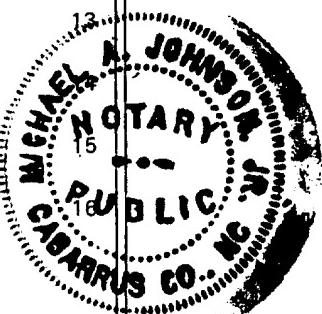
7 That the contents of the foregoing Complaint are true to her own knowledge, except as to matters stated upon
8 information and belief, and as to those matters (s)he believes them to be true.
9

10 
11 Jackie Dawn Lutz

12 Sworn to and subscribed before me, this
13 27th day of March, 2001.

14 
15 Notary Public

16 My Commission Expires: August 4, 2003



STATE OF NORTH CAROLINA

FILED

UNION

County 23 May 0:02

UNION COUNTY, N.C.

Plaintiff's Name: JACKIE DAWN LUTZ

BY

Address: C/O MICHAEL JOHNSON, 153 CHURCH STREET, NORTH

City, State & Zip: CONCORD, NORTH CAROLINA 28025

VERSUS

Defendant

**PIKE ELECTRIC, INC., AND DONALD ANDERSON,
NEAL SANDERS, ERNEST JOHNSON AND BOBBY
ELLIS**

TO: Name & Address of First Defendant

DONALD ANDERSON
4150 PEBBLE STREET
CHARLOTTE, NC 28201

704

Date Issued

01 Cvs

1CVS00601

Film No.

In the General Court of Justice
 District Superior Court Division

CIVIL SUMMONS

GS 1A-4, Rules 3-4

* Alias and Pluries Summons

The summons originally issued against you was returned not served.

Date Last Summons Issued

* Disregard this section unless the block is checked

TO: Name & Address of Second Defendant

Neal Sanders
4150 PEBBLE STREET
CHARLOTTE, NC 28201

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the plaintiff or his attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy, or by mailing it, to the plaintiff at the plaintiff's last known address, and
2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the court for the relief demanded in the complaint.

Name and Address of Plaintiff's Attorney (If none, Address of Plaintiff)

Michael A. Johnson, Jr.
MICHAEL A. JOHNSON, JR., P.A.
153 Church Street, North
Concord, NC 28025
(704) 788-6721

Date Issued

3-18-01

Time Issued

8:00 AM PM

Signature

Elizabeth Plue

Deputy CSC Assistant CSC Clerk of Superior Court

ENDORSEMENT

This summons was originally issued on the date indicated above and was returned not served. At the request of the plaintiff, the time within which the summons must be served is extended thirty (30) days.

Date of Endorsement

3-19-01

Time Issued

AM PM

Signature

Deputy CSC Assistant CSC Clerk of Superior Court

1CV500601

RECEIVED

1 Michael A. Johnson, Jr., P.A.
153 Church Street, NE
2 Concord, North Carolina 28025
Telephone: (704) 788-6721
3 Facsimile: (704) 795-9826

4/17/2001 AM 3:02

UNION COUNTY, N.C.

4 Jackie Dawn Lutz

BY _____

5

6 THE GENERAL COURT OF JUSTICE

7 SUPERIOR COURT DIVISION

8 UNION COUNTY, NORTH CAROLINA

9

10 11 JACKIE DAWN LUTZ,

01 Cvs

12 Plaintiff,

13 vs.

C O M P L A I N T

14 PIKE ELECTRIC, INC., DONALD ANDERSON, NEAL SANDERS. (Jury Trial Demanded)

15 ERNEST JOHNSON, BOBBY ELLIS,

16 Defendant

17

18 I. INTRODUCTION

19 This is an action for sexual harassment and constructive discharge of Plaintiff Jackie Dawn Lutz by Defendants
20 Donald Anderson, Neal Sanders, Ernest Johnson, Bobby Ellis and Pike Electric, Inc., and for violation and for
21 violation of Plaintiff's rights under Title VII of the Civil Rights Act of 1964. This is also an action for Assault and
22 Battery against Ernest Johnson.

23 II. PARTIES

- 24 1. Plaintiff Jackie Dawn Lutz is a citizen and resident of the United States and a resident of the City of
25 Monroe, Union County, North Carolina.
- 26 2. Defendant, Pike Electric, Inc. (Pike) is a North Carolina corporation that was doing business in the City of
27 Charlotte, Mecklenburg County, North Carolina. Defendant Pike was at all relevant times an employer
28 within the meaning of Section 701(b),(g) and (h) of Title VII of the Civil Rights Act of 1964, and at all
29 relevant times has had more than 15 employees.

3. Defendant Donald Anderson was at all relevant times Vice President of the Defendant Pike, and was at all relevant times an employer and agent of an employer within the meaning of Title VII of the Civil Rights Act of 1964. Defendant Donald Anderson is upon information and belief a resident of Mecklenburg County, North Carolina.
4. Defendant Neal Sanders was at all relevant times Regional Supervisor of the Defendant Pike, and was at all relevant times an employer and agent of an employer within the meaning of Title VII of the Civil Rights Act of 1964. Defendant Neal Sanders is upon information and belief a resident of Mecklenburg County, North Carolina.
5. Defendant Ernest Johnson was at all relevant times Zone Supervisor of the Defendant Pike, and was at all relevant times an employer and agent of an employer within the meaning of Title VII of the Civil Rights Act of 1964. Defendant Ernest Johnson is upon information and belief a resident of Mecklenburg County, North Carolina.
6. Defendant Bobby Ellis was at all relevant times Zone Supervisor of the Defendant Pike, and was at all relevant times an employer and agent of an employer within the meaning of Title VII of the Civil Rights Act of 1964. Defendant Bobby Ellis is upon information and belief a resident of Mecklenburg County, North Carolina.

III. JURISDICTIONAL STATEMENT

7. Plaintiff brings this action pursuant to the common law of the State of North Carolina, Title VII of the Civil Rights Act of 1964, 42 U. S. C. 2000e et. Seq., and Title I of the Civil Rights Act of 1991, 42 U. S. C. 1981a.

IV. FACTUAL STATEMENT

8. Plaintiff Jackie Dawn Lutz was employed by Defendant Pike from March 16, 1998, until April 14, 2000.
9. Plaintiff at the time of her constructive discharge was a secretary/dispatcher for the Defendant Neil Sanders.
10. During the entire tenure of her employment with the Defendant Pike, Plaintiff Lutz was sexually harassed by various management personnel of the Defendant Pike.
11. Such harassment included Mike Stillwell saying, "I like your dress and everything in it even better. Bobby Ellis was constantly kissing at Plaintiff, even after he was cautioned by supervisor Bo Lankford. Ernest Johnson popped Plaintiff on the rear end with rolled up papers. Bobby Ellis gave Plaintiff a Pike Golf Shirt.

1 When Plaintiff wore the golf Shirt Bobby Ellis told Plaintiff, she was suppose to wear the shirt without a
2 bra. Ernest Johnson coming up from behind and massaging Plaintiff shoulders, and Neil Sanders and
3 Donald Anderson carried on a conversation about the size of a doctor's fingers and that Plaintiff would
4 probably want to know that doctors name. Plaintiff rejected all comments and sexual advances made by
5 anyone at Pike.

- 6 12. As a result of this hostile work environment Plaintiff could no longer take the pressure and was
7 constructively discharged from her position.
8 13. More than 180 days prior to filing this action, Plaintiff filed a charge of discrimination with the EEOC
9 alleging that she had been discriminated against by all the Defendants, when she was harassed and
10 constructively discharged.

11 V. LEGAL CLAIMS

12 PLAINTIFF'S FIRST CAUSE OF ACTION - - Quid Pro Quo Sexual Harassment and Wrongful Termination of

13 Employment and in Violation of North Carolina Public Policy

- 14 14. The Paragraphs enumerated here and above are reincorporated by reference herein.
15 15. The public policy of the State of North Carolina includes the prohibition against discriminating against
16 employees who refuse sexual advances and reject sexual harassment in violations of Title VII of the Civil
17 Rights Act of 1964.
18 16. In allowing and participating in the sexual harassment and constructively discharging the Plaintiff the
19 Defendants violated the public policy of the State of North Carolina.
20 17. As a result of Defendants' acts, Plaintiff has lost wages and benefits, and suffered emotional distress.
21 Plaintiff is entitled to receive compensatory damages in an amount in excess of \$10,000.00
22 18. Defendants' actions were done maliciously, willfully or wantonly, or in a manner that demonstrates a
23 reckless disregard for the Plaintiff's rights. As a result of Defendants' conduct, Plaintiff is entitled to
24 recover punitive damages in an amount in excess of \$10,000.00

25 B. PLAINTIFF'S SECOND CAUSE OF ACTION - - Violation of Title VII

- 26 19. Since at least the fall of 1999, the Defendants have engaged in unlawful employment practices at the
27 Charlotte office of Pike Electric, Inc., in violation of Section 703 and 704(a) of the Title VII of the Civil
28 Rights Act of 1964, 42 U.S.C. 2000e-2 and 3(a) et. seq.

- 1 20. Plaintiff has satisfied the jurisdictional prerequisites to an action under Title VII by filing a charge of
2 discrimination against Defendants within 180 days of her termination. Plaintiff has received a right to sue
3 letter from the EEOC.
- 4 21. Defendants sexually harassed Plaintiff to the extent that it created a work environment so severe and
5 hostile that she was constructively discharged. Defendants' acts constitute a violation of Title VII's
6 prohibition against sex discrimination, including sexual harassment. Defendants have violated Section
7 704(a) of Title VII, 42 U. S. C. 2000e-3(a).
- 8 22. As a proximate result of Defendants' wrongful conduct Plaintiff suffered loss of wages and benefits,
9 emotional distress, humiliation, loss of reputation and other damages in an amount in excess of
10 \$10,000.00.
- 11 23. Defendants' actions were done maliciously, willfully or wantonly, or in a manner that demonstrates a
12 reckless disregard for the Plaintiff's rights. As a result of Defendant's conduct, Plaintiff is entitled to
13 recover punitive damages in an amount in excess of \$10,000.00.
- 14 C. **PLAINTIFF'S THIRD CAUSE OF ACTION - - Assault and Battery**
- 15 24. Earnest Johnson hit Plaintiff on the rear end with a rolled up paper after approaching Plaintiff from behind.
- 16 25. Plaintiff rejected this advance and made it clear to Earnest Johnson that this behavior was not acceptable.
- 17 26. Earnest Johnson touched the Plaintiff without her consent.
- 18 27. Plaintiff was kept constantly aware of and in apprehension of Earnest Johnson.
- 19 28. Plaintiff was in fear of a subsequent attack on her person.
- 20 29. Earnest Johnson again approached the Plaintiff from behind and began messaging Plaintiff's shoulders.
- 21 30. Plaintiff pulled away and again made it clear to Earnest Johnson that this touching was not with her
22 consent and was unwanted.
- 23 31. As a direct and proximate result of Earnest Johnson's placing Plaintiff in apprehension of being touched;
24 and Plaintiff being offensively touched, Plaintiff lost wages and benefits, suffered emotional distress,
25 humiliation, loss of reputation and other compensatory damages in an amount in excess of Ten Thousand
26 Dollars (\$10,000.00).
- 27 32. Earnest Johnson's actions were done maliciously, willfully or wantonly or in a manner that demonstrates
28 a reckless disregard for the Plaintiff's rights. As a result of Defendants' conduct, Plaintiff is entitled to
29 recover punitive damages in an amount in excess of Ten Thousand Dollars (\$10,000.00).

IV. JURY TRIAL DEMANDED

33. Plaintiff hereby demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays this Honorable Court enter judgment against Defendants as follows:

1. Enter a judgment against the Defendants finding that they have sexually harassed and constructively discharged Plaintiff;
 2. Declare that Defendants have violated Plaintiff's rights under Title VII of the Civil Rights Act of 1964;
 3. Award Plaintiff compensatory damages in excess of \$10,000.00, including damages for financial loss suffered and for emotional pain and suffering; humiliation, anxiety, loss of reputation, and harm to Plaintiff's economic opportunities;
 4. Award Plaintiff punitive damages for Defendants' willful and malicious conduct;
 5. Award Plaintiff costs and reasonable attorney fees to Plaintiff's attorney;
 6. Award Plaintiff prejudgment interest on the above;
 7. Grant such other relief to Plaintiff as this Court deems equitable.

Respectfully submitted,

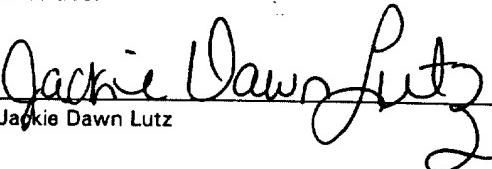
Michael A. Johnson, Jr.
153 Church Street, NE
Concord, North Carolina 28025
Telephone: (704) 788-6721
Facsimile: (704) 795-9826

1 VERIFICATION
2

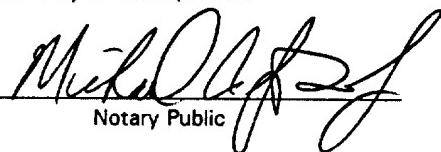
3 STATE OF NORTH CAROLINA
4 CABARRUS COUNTY

5 Jackie Dawn Lutz, being duly sworn deposes and says:
6

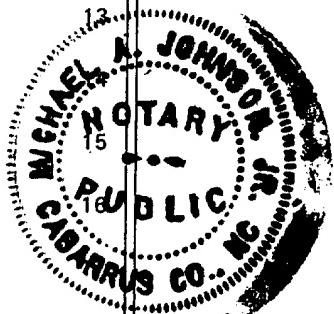
7 That the contents of the foregoing Complaint are true to her own knowledge, except as to matters stated upon
8 information and belief, and as to those matters (s)he believes them to be true.
9

10 
11 Jackie Dawn Lutz
12

13 Sworn to and subscribed before me, this
14 27th day of March, 2001.

15 
16 Notary Public
17

18 My Commission Expires: August 4, 2003
19



1CVS00601

STATE OF NORTH CAROLINA
FILED

File No.

01 Cvs

Film No.

UNION

County

01 MAR 20 2001 8:02

UNION COUNTY, N.C.

In the General Court of Justice
 District Superior Court Division

Plaintiff's Name: JACKIE DAWN LUTZ

BY

Address: C/O MICHAEL JOHNSON, 153 CHURCH STREET, NORTH

City, State & Zip: CONCORD, NORTH CAROLINA 28025

CIVIL SUMMONS

GS 1A-1, Rules 3, 4

VERSUS

Defendant

**PIKE ELECTRIC, INC., AND DONALD ANDERSON,
NEAL SANDERS, ERNEST JOHNSON AND BOBBY
ELLIS**

TO: Name & Address of First Defendant

ERNEST JOHNSON
4150 PEBBLE STREET
CHARLOTTE, NC 28201

704

* Alias and Pluries SummonsThe summons originally issued against you was
returned not served.

Date Last Summons Issued

* Disregard this section unless
the block is checked

TO: Name & Address of Second Defendant

Bobby Ellis
4150 PEBBLE STREET
CHARLOTTE, NC 28201

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the plaintiff or his attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy, or by mailing it, to the plaintiff at the plaintiff's last known address, and

2. File the original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint, the plaintiff will apply to the court for the relief demanded in the complaint.

Name and Address of Plaintiff's Attorney (If none, Address of Plaintiff)

Michael A. Johnson, Jr.
MICHAEL A. JOHNSON, JR., P.A.
153 Church Street, North
Concord, NC 28025
(704) 788-6721

Date Issued

3-28-01

Time Issued

8:00 AM PM

Signature

 Deputy CSC Assistant CSC Clerk of Superior Court ENDORSEMENTThis summons was originally issued on the date indicated above and
was returned not served. At the request of the plaintiff, the time
within which the summons must be served is extended thirty (30)
days.

Date of Endorsement

05-14-01 GCM

Time Issued

 AM PM

Signature

 Deputy CSC Assistant CSC Clerk of Superior Court

1CV000801

1 Michael A. Johnson, Jr., P.A.
153 Church Street, NE
2 Concord, North Carolina 28025
Telephone: (704) 788-6721
3 Facsimile: (704) 795-9826

RECEIVED
CLERK'S OFFICE
UNION COUNTY, N.C.
BY _____

4 Jackie Dawn Lutz

5
6 THE GENERAL COURT OF JUSTICE
7 SUPERIOR COURT DIVISION
8 UNION COUNTY, NORTH CAROLINA
9
10

11 JACKIE DAWN LUTZ,

01 Cvs

12 Plaintiff,

13 vs.

C O M P L A I N T

14 PIKE ELECTRIC, INC., DONALD ANDERSON, NEAL SANDERS,

(Jury Trial Demanded)

15 ERNEST JOHNSON, BOBBY ELLIS,

16 Defendant

17
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19 This is an action for sexual harassment and constructive discharge of Plaintiff Jackie Dawn Lutz by Defendants
20 Donald Anderson, Neal Sanders, Ernest Johnson, Bobby Ellis and Pike Electric, Inc., and for violation and for
21 violation of Plaintiff's rights under Title VII of the Civil Rights Act of 1964. This is also an action for Assault and
22 Battery against Ernest Johnson.

23 II. PARTIES

- 24 1. Plaintiff Jackie Dawn Lutz is a citizen and resident of the United States and a resident of the City of
25 Monroe, Union County, North Carolina.
- 26 2. Defendant, Pike Electric, Inc. (Pike) is a North Carolina corporation that was doing business in the City of
27 Charlotte, Mecklenburg County, North Carolina. Defendant Pike was at all relevant times an employer
28 within the meaning of Section 701(b),(g) and (h) of Title VII of the Civil Rights Act of 1964, and at all
29 relevant times has had more than 15 employees.

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III. JURISDICTIONAL STATEMENT

7. Plaintiff brings this action pursuant to the common law of the State of North Carolina, Title VII of the Civil Rights Act of 1964, 42 U. S. C. 2000e et. Seq., and Title I of the Civil Rights Act of 1991, 42 U. S. C. 1981a.

IV. FACTUAL STATEMENT

8. Plaintiff Jackie Dawn Lutz was employed by Defendant Pike from March 16, 1998, until April 14, 2000.
9. Plaintiff at the time of her constructive discharge was a secretary/dispatcher for the Defendant Neil Sanders.
10. During the entire tenure of her employment with the Defendant Pike, Plaintiff Lutz was sexually harassed by various management personnel of the Defendant Pike.
11. Such harassment included Mike Stillwell saying, "I like your dress and everything in it even better. Bobby Ellis was constantly kissing at Plaintiff, even after he was cautioned by supervisor Bo Lankford. Ernest Johnson popped Plaintiff on the rear end with rolled up papers. Bobby Ellis gave Plaintiff a Pike Golf Shirt.

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3 Donald Anderson carried on a conversation about the size of a doctor's fingers and that Plaintiff would
4 probably want to know that doctors name. Plaintiff rejected all comments and sexual advances made by
5 anyone at Pike.

- 6 12. As a result of this hostile work environment Plaintiff could no longer take the pressure and was
7 constructively discharged from her position.
8 13. More than 180 days prior to filing this action, Plaintiff filed a charge of discrimination with the EEOC
9 alleging that she had been discriminated against by all the Defendants, when she was harassed and
10 constructively discharged.

11 V. LEGAL CLAIMS

12 **PLAINTIFF'S FIRST CAUSE OF ACTION - - Quid Pro Quo Sexual Harassment and Wrongful Termination of**

13 **Employment and in Violation of North Carolina Public Policy**

- 14 14. The Paragraphs enumerated here and above are reincorporated by reference herein.
15 15. The public policy of the State of North Carolina includes the prohibition against discriminating against
16 employees who refuse sexual advances and reject sexual harassment in violations of Title VII of the Civil
17 Rights Act of 1964.
18 16. In allowing and participating in the sexual harassment and constructively discharging the Plaintiff the
19 Defendants violated the public policy of the State of North Carolina.
20 17. As a result of Defendants' acts, Plaintiff has lost wages and benefits, and suffered emotional distress.
21 Plaintiff is entitled to receive compensatory damages in an amount in excess of \$10,000.00
22 18. Defendants' actions were done maliciously, willfully or wantonly, or in a manner that demonstrates a
23 reckless disregard for the Plaintiff's rights. As a result of Defendants' conduct, Plaintiff is entitled to
24 recover punitive damages in an amount in excess of \$10,000.00

25 B. **PLAINTIFF'S SECOND CAUSE OF ACTION - - Violation of Title VII**

- 26 19. Since at least the fall of 1999, the Defendants have engaged in unlawful employment practices at the
27 Charlotte office of Pike Electric, Inc., in violation of Section 703 and 704(a) of the Title VII of the Civil
28 Rights Act of 1964, 42 U.S.C. 2000e-2 and 3(a) et. seq.

- 1 20. Plaintiff has satisfied the jurisdictional prerequisites to an action under Title VII by filing a charge of
2 discrimination against Defendants within 180 days of her termination. Plaintiff has received a right to sue
3 letter from the EEOC.
- 4 21. Defendants sexually harassed Plaintiff to the extent that it created a work environment so severe and
5 hostile that she was constructively discharged. Defendants' acts constitute a violation of Title VII's
6 prohibition against sex discrimination, including sexual harassment. Defendants have violated Section
7 704(a) of Title VII, 42 U. S. C. 2000e-3(a).
- 8 22. As a proximate result of Defendants' wrongful conduct Plaintiff suffered loss of wages and benefits,
9 emotional distress, humiliation, loss of reputation and other damages in an amount in excess of
10 \$10,000.00.
- 11 23. Defendants' actions were done maliciously, willfully or wantonly, or in a manner that demonstrates a
12 reckless disregard for the Plaintiff's rights. As a result of Defendant's conduct, Plaintiff is entitled to
13 recover punitive damages in an amount in excess of \$10,000.00.
- 14 C. **PLAINTIFF'S THIRD CAUSE OF ACTION -- Assault and Battery**
- 15 24. Earnest Johnson hit Plaintiff on the rear end with a rolled up paper after approaching Plaintiff from behind.
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- 23 31. As a direct and proximate result of Earnest Johnson's placing Plaintiff in apprehension of being touched;
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29 recover punitive damages in an amount in excess of Ten Thousand Dollars (\$10,000.00).

IV. JURY TRIAL DEMANDED

33. Plaintiff hereby demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays this Honorable Court enter judgment against Defendants as follows:

1. Enter a judgment against the Defendants finding that they have sexually harassed and constructively discharged Plaintiff;
 2. Declare that Defendants have violated Plaintiff's rights under Title VII of the Civil Rights Act of 1964;
 3. Award Plaintiff compensatory damages in excess of \$10,000.00, including damages for financial loss suffered and for emotional pain and suffering; humiliation, anxiety, loss of reputation, and harm to Plaintiff's economic opportunities;
 4. Award Plaintiff punitive damages for Defendants' willful and malicious conduct;
 5. Award Plaintiff costs and reasonable attorney fees to Plaintiff's attorney;
 6. Award Plaintiff prejudgment interest on the above;
 7. Grant such other relief to Plaintiff as this Court deems equitable.

Respectfully submitted,

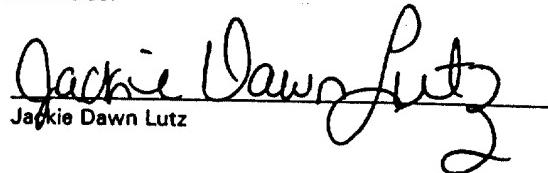
Michael A. Johnson, Jr.
153 Church Street, NE
Concord, North Carolina 28025
Telephone: (704) 788-6721
Facsimile: (704) 795-9826

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VERIFICATION

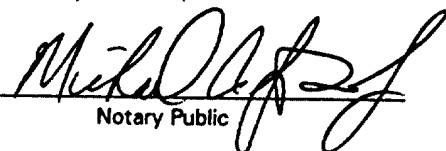
STATE OF NORTH CAROLINA
CABARRUS COUNTY

Jackie Dawn Lutz, being duly sworn deposes and says:

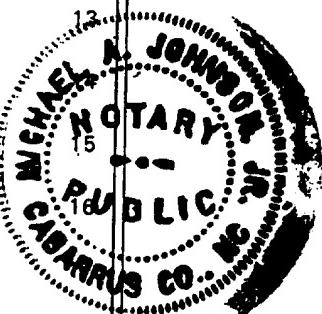
That the contents of the foregoing Complaint are true to her own knowledge, except as to matters stated upon information and belief, and as to those matters (s)he believes them to be true.


Jackie Dawn Lutz

Sworn to and subscribed before me, this
27th day of March, 2001.


Michael D. Johnson
Notary Public

My Commission Expires: August 4, 2003



STATE OF NORTH CAROLINA
FILED

File No.

01 Cvs

Film No.

1CVS00601

UNION County 1723 AM 8:02

In the General Court of Justice
 District Superior Court Division

UNION COUNTY, N.C.

Plaintiff's Name: **JACKIE DAWN LUTZ**

BY

Address: **C/O MICHAEL JOHNSON, 153 CHURCH STREET, NORTH**

City, State & Zip: **CONCORD, NORTH CAROLINA 28025**

V E R S U S

Defendant

**PIKE ELECTRIC, INC., AND DONALD ANDERSON,
NEAL SANDERS, ERNEST JOHNSON AND BOBBY
ELLIS**

TO: Name & Address of First Defendant

**ERNEST JOHNSON
4150 PEBBLE STREET
CHARLOTTE, NC 28201**

704

TO: Name & Address of Second Defendant

**Bobby Ellis
4150 PEBBLE STREET
CHARLOTTE, NC 28201**

* Alias and Pluries Summons

The summons originally issued against you was returned not served.

Date Last Summons Issued

* Disregard this section unless the block is checked

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint of the plaintiff as follows:

1. Serve a copy of your written answer to the plaintiff or his attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy, or by mailing it, to the plaintiff at the plaintiff's last known address, and

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Name and Address of Plaintiff's Attorney (If none, Address of Plaintiff)

**Michael A. Johnson, Jr.
MICHAEL A. JOHNSON, JR., P.A.
153 Church Street, North
Concord, NC 28025
(704) 788-6721**

Date Issued

3-18-01

Time Issued

8:00 AM PM

Signature

Elizabeth W. Blay

Deputy CSC Assistant CSC Clerk of Superior Court

ENDORSEMENT

This summons was originally issued on the date indicated above and was returned not served. At the request of the plaintiff, the time within which the summons must be served is extended thirty (30) days.

Date of Endorsement

05-18-01

Time Issued

AM PM

Signature

Deputy CSC Assistant CSC Clerk of Superior Court

1CV500501

1 Michael A. Johnson, Jr., P.A.
153 Church Street, NE
2 Concord, North Carolina 28025
Telephone: (704) 788-6721
3 Facsimile: (704) 795-9826

UNION 100-100 C.S.C.

4 | Jackie Dawn Lutz

197
56

6 THE GENERAL COURT OF JUSTICE
7 SUPERIOR COURT DIVISION
8 UNION COUNTY, NORTH CAROLINA

11 JACKIE DAWN LUTZ, 01 CvS
12 Plaintiff,
13 vs. COMPLAINT
14 PIKE ELECTRIC, INC., DONALD ANDERSON, NEAL SANDERS.
(Jury Trial Demanded)
15 ERNEST JOHNSON, BOBBY ELLIS,
16 Defendant

1. INTRODUCTION

This is an action for sexual harassment and constructive discharge of Plaintiff Jackie Dawn Lutz by Defendants Donald Anderson, Neal Sanders, Ernest Johnson, Bobby Ellis and Pike Electric, Inc., and for violation and for violation of Plaintiff's rights under Title VII of the Civil Rights Act of 1964. This is also an action for Assault and Battery against Ernest Johnson.

II. PARTIES

1. Plaintiff Jackie Dawn Lutz is a citizen and resident of the United States and a resident of the City of Monroe, Union County, North Carolina.
 2. Defendant, Pike Electric, Inc. (Pike) is a North Carolina corporation that was doing business in the City of Charlotte, Mecklenburg County, North Carolina. Defendant Pike was at all relevant times an employer within the meaning of Section 701(b),(g) and (h) of Title VII of the Civil Rights Act of 1964, and at all relevant times has had more than 15 employees.

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6. Defendant Bobby Ellis was at all relevant times Zone Supervisor of the Defendant Pike, and was at all relevant times an employer and agent of an employer within the meaning of Title VII of the Civil Rights Act of 1964. Defendant Bobby Ellis is upon information and belief a resident of Mecklenburg County, North Carolina.

III. JURISDICTIONAL STATEMENT

7. Plaintiff brings this action pursuant to the common law of the State of North Carolina, Title VII of the Civil Rights Act of 1964, 42 U. S. C. 2000e et. Seq., and Title I of the Civil Rights Act of 1991, 42 U. S. C. 1981a.

IV. FACTUAL STATEMENT

8. Plaintiff Jackie Dawn Lutz was employed by Defendant Pike from March 16, 1998, until April 14, 2000.
9. Plaintiff at the time of her constructive discharge was a secretary/dispatcher for the Defendant Neil Sanders.
10. During the entire tenure of her employment with the Defendant Pike, Plaintiff Lutz was sexually harassed by various management personnel of the Defendant Pike.
11. Such harassment included Mike Stillwell saying, "I like your dress and everything in it even better. Bobby Ellis was constantly kissing at Plaintiff, even after he was cautioned by supervisor Bo Lankford. Ernest Johnson popped Plaintiff on the rear end with rolled up papers. Bobby Ellis gave Plaintiff a Pike Golf Shirt.

1 When Plaintiff wore the golf Shirt Bobby Ellis told Plaintiff, she was suppose to wear the shirt without a
2 bra. Earnest Johnson coming up from behind and massaging Plaintiff shoulders, and Neil Sanders and
3 Donald Anderson carried on a conversation about the size of a doctor's fingers and that Plaintiff would
4 probably want to know that doctors name. Plaintiff rejected all comments and sexual advances made by
5 anyone at Pike.

- 6 12. As a result of this hostile work environment Plaintiff could no longer take the pressure and was
7 constructively discharged from her position.
- 8 13. More than 180 days prior to filing this action, Plaintiff filed a charge of discrimination with the EEOC
9 alleging that she had been discriminated against by all the Defendants, when she was harassed and
10 constructively discharged.

11 V. LEGAL CLAIMS

12 **PLAINTIFF'S FIRST CAUSE OF ACTION -- Quid Pro Quo Sexual Harassment and Wrongful Termination of**
13 **Employment and in Violation of North Carolina Public Policy**

- 14 14. The Paragraphs enumerated here and above are reincorporated by reference herein.
- 15 15. The public policy of the State of North Carolina includes the prohibition against discriminating against
16 employees who refuse sexual advances and reject sexual harassment in violations of Title VII of the Civil
17 Rights Act of 1964.
- 18 16. In allowing and participating in the sexual harassment and constructively discharging the Plaintiff the
19 Defendants violated the public policy of the State of North Carolina.
- 20 17. As a result of Defendants' acts, Plaintiff has lost wages and benefits, and suffered emotional distress.
21 Plaintiff is entitled to receive compensatory damages in an amount in excess of \$10,000.00
- 22 18. Defendants' actions were done maliciously, willfully or wantonly, or in a manner that demonstrates a
23 reckless disregard for the Plaintiff's rights. As a result of Defendants' conduct, Plaintiff is entitled to
24 recover punitive damages in an amount in excess of \$10,000.00

25 B. **PLAINTIFF'S SECOND CAUSE OF ACTION -- Violation of Title VII**

- 26 19. Since at least the fall of 1999, the Defendants have engaged in unlawful employment practices at the
27 Charlotte office of Pike Electric, Inc., in violation of Section 703 and 704(a) of the Title VII of the Civil
28 Rights Act of 1964, 42 U.S.C. 2000e-2 and 3(a) et. seq.

- 1 20. Plaintiff has satisfied the jurisdictional prerequisites to an action under Title VII by filing a charge of
2 discrimination against Defendants within 180 days of her termination. Plaintiff has received a right to sue
3 letter from the EEOC.
- 4 21. Defendants sexually harassed Plaintiff to the extent that it created a work environment so severe and
5 hostile that she was constructively discharged. Defendants' acts constitute a violation of Title VII's
6 prohibition against sex discrimination, including sexual harassment. Defendants have violated Section
7 704(a) of Title VII, 42 U. S. C. 2000e-3(a).
- 8 22. As a proximate result of Defendants' wrongful conduct Plaintiff suffered loss of wages and benefits,
9 emotional distress, humiliation, loss of reputation and other damages in an amount in excess of
10 \$10,000.00.
- 11 23. Defendants' actions were done maliciously, willfully or wantonly, or in a manner that demonstrates a
12 reckless disregard for the Plaintiff's rights. As a result of Defendant's conduct, Plaintiff is entitled to
13 recover punitive damages in an amount in excess of \$10,000.00.
- 14 C. **PLAINTIFF'S THIRD CAUSE OF ACTION - - Assault and Battery**
- 15 24. Earnest Johnson hit Plaintiff on the rear end with a rolled up paper after approaching Plaintiff from behind.
- 16 25. Plaintiff rejected this advance and made it clear to Earnest Johnson that this behavior was not acceptable.
- 17 26. Earnest Johnson touched the Plaintiff without her consent.
- 18 27. Plaintiff was kept constantly aware of and in apprehension of Earnest Johnson.
- 19 28. Plaintiff was in fear of a subsequent attack on her person.
- 20 29. Earnest Johnson again approached the Plaintiff from behind and began messaging Plaintiff's shoulders.
- 21 30. Plaintiff pulled away and again made it clear to Earnest Johnson that this touching was not with her
22 consent and was unwanted.
- 23 31. As a direct and proximate result of Earnest Johnson's placing Plaintiff in apprehension of being touched;
24 and Plaintiff being offensively touched, Plaintiff lost wages and benefits, suffered emotional distress,
25 humiliation, loss of reputation and other compensatory damages in an amount in excess of Ten Thousand
26 Dollars (\$10,000.00).
- 27 32. Earnest Johnson's actions were done maliciously, willfully or wantonly or in a manner that demonstrates
28 a reckless disregard for the Plaintiff's rights. As a result of Defendants' conduct, Plaintiff is entitled to
29 recover punitive damages in an amount in excess of Ten Thousand Dollars (\$10,000.00).

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2 **IV. JURY TRIAL DEMANDED**
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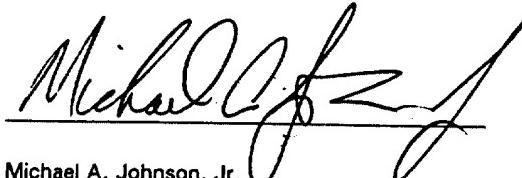
5 33. Plaintiff hereby demands a trial by jury.
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16 **PRAYER FOR RELIEF**
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WHEREFORE, Plaintiff prays this Honorable Court enter judgment against Defendants as follows:

1. Enter a judgment against the Defendants finding that they have sexually harassed and constructively discharged Plaintiff;
2. Declare that Defendants have violated Plaintiff's rights under Title VII of the Civil Rights Act of 1964;
3. Award Plaintiff compensatory damages in excess of \$10,000.00, including damages for financial loss suffered and for emotional pain and suffering; humiliation, anxiety, loss of reputation, and harm to Plaintiff's economic opportunities;
4. Award Plaintiff punitive damages for Defendants' willful and malicious conduct;
5. Award Plaintiff costs and reasonable attorney fees to Plaintiff's attorney;
6. Award Plaintiff prejudgment interest on the above;
7. Grant such other relief to Plaintiff as this Court deems equitable.

Respectfully submitted,



Michael A. Johnson, Jr.
153 Church Street, NE
Concord, North Carolina 28025
Telephone: (704) 788-6721
Facsimile: (704) 795-9826

VERIFICATION

**STATE OF NORTH CAROLINA
CABARRUS COUNTY**

4 Jackie Dawn Lutz, being duly sworn deposes and says:

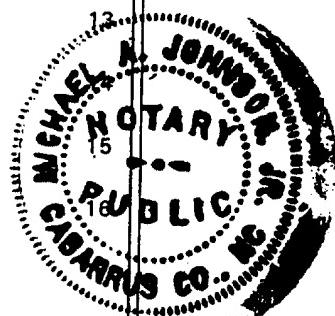
That the contents of the foregoing Complaint are true to her own knowledge, except as to matters stated upon information and belief, and as to those matters (s)he believes them to be true.

Jackie Dawn Lutz
Jackie Dawn Lutz

9 Sworn to and subscribed before me, this
27th day of March, 2001.

My Commissioning Form - August 2000

Notary Public



1 Michael A. Johnson, Jr., P.A.
2 153 Church Street, NE
Concord, North Carolina 28025
Telephone: (704) 788-6721
Facsimile: (704) 795-9826

4 Jackie Dawn Lutz

6 THE GENERAL COURT OF JUSTICE
7 SUPERIOR COURT DIVISION
8 UNION COUNTY, NORTH CAROLINA

11 JACKIE DAWN LUTZ,

01 Cvs 00601

12 Plaintiff.

13 vs.

AMENDMENT TO COMPLAINT

14 PIKE ELECTRIC, INC., DONALD ANDERSON, NEAL SANDERS,

15 ERNEST JOHNSON, BOBBY ELLIS,

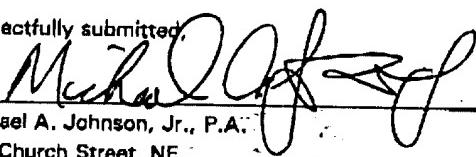
16 Defendants.

17 Now, prior to service of responsive pleadings, comes Jackie Dawn Lutz, Plaintiff in this action, and amends her
18 complaint as a matter of course, pursuant to North Carolina Rules of Civil Procedure 15(a) as follows:

- 19 1. By adding to the complaint as Paragraph 34 and subsequent numbered paragraphs the following: The
20 paragraphs and causes of action as set forth in the amended complaint attached to and incorporated
21 herein by reference.

23 This the 27th day of April, 2001.

24 Respectfully submitted,

25 By: 
Michael A. Johnson, Jr., P.A.
153 Church Street, NE
Concord, North Carolina 28025
Telephone: (704) 788-6721
Facsimile: (704) 795-9826
State Bar Number: 12449

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date served this document in the above-captioned action on all parties to this cause by depositing a copy hereof, postage prepaid, in the United States Mail, properly addressed to each party as follows:

**Pike Electric, Inc.
C/O Reginald L. Banner
351 Riverside Drive
Mount Airy, NC 27030**

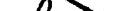
**Ernest Johnson
4150 Pebble Street
Charlotte, NC 28201**

**Bobby Ellis
4150 Pebble Street
Charlotte, NC 28201**

**Donald Anderson
4150 Pebble Street
Charlotte, NC 28201**

**Neal Sanders
4150 Pebble Street
Charlotte, NC 28201**

This the 27th day of April, 2001.


Michael A. Johnson, Jr., P.A.
153 Church Street, NE

**Michael A. Johnson, Jr., P.A.
153 Church Street, NE
Concord, North Carolina 28025
Telephone: (704) 788-6721
Facsimile: (704) 795-9826
State Bar Number: 12449**

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2 153 Church Street, NE
Concord, North Carolina 28025
Telephone: (704) 788-6721
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4 Jackie Dawn Lutz

6 THE GENERAL COURT OF JUSTICE

7 SUPERIOR COURT DIVISION

8 UNION COUNTY, NORTH CAROLINA

11 JACKIE DAWN LUTZ,

01 CvS 00601

12 Plaintiff,

13 vs.

AMENDED COMPLAINT

14 PIKE ELECTRIC, INC., DONALD ANDERSON, NEAL SANDERS,

(Jury Trial Demanded)

15 ERNEST JOHNSON, BOBBY ELLIS,

16 Defendant

18 I. INTRODUCTION

19 This is an action for sexual harassment and constructive discharge of Plaintiff Jackie Dawn Lutz by Defendants
20 Donald Anderson, Neal Sanders, Ernest Johnson, Bobby Ellis and Pike Electric, Inc., and for violation and for
21 violation of Plaintiff's rights under Title VII of the Civil Rights Act of 1964. This is also an action for Assault and
22 Battery against Ernest Johnson.

23 II. PARTIES

- 24 1. Plaintiff Jackie Dawn Lutz is a citizen and resident of the United States and a resident of the City of
Monroe, Union County, North Carolina.
- 25 2. Defendant, Pike Electric, Inc. (Pike) is a North Carolina corporation that was doing business in the City of
Charlotte, Mecklenburg County, North Carolina. Defendant Pike was at all relevant times an employer
26 within the meaning of Section 701(b), (g) and (h) of Title VII of the Civil Rights Act of 1964, and at all
27 relevant times has had more than 15 employees.

3. Defendant Donald Anderson was at all relevant times Vice President of the Defendant Pike, and was at all
relevant times an employer and agent of an employer within the meaning of Title VII of the Civil Rights
Act of 1964. Defendant Donald Anderson is upon information and belief a resident of Mecklenburg
County, North Carolina.
4. Defendant Neal Sanders was at all relevant times Regional Supervisor of the Defendant Pike, and was at
all relevant times an employer and agent of an employer within the meaning of Title VII of the Civil Rights
Act of 1964. Defendant Neal Sanders is upon information and belief a resident of Mecklenburg County,
North Carolina.
5. Defendant Ernest Johnson was at all relevant times Zone Supervisor of the Defendant Pike, and was at all
relevant times an employer and agent of an employer within the meaning of Title VII of the Civil Rights
Act of 1964. Defendant Ernest Johnson is upon information and belief a resident of Mecklenburg County,
North Carolina.
6. Defendant Bobby Ellis was at all relevant times Zone Supervisor of the Defendant Pike, and was at all
relevant times an employer and agent of an employer within the meaning of Title VII of the Civil Rights
Act of 1964. Defendant Bobby Ellis is upon information and belief a resident of Mecklenburg County,
North Carolina.

III. JURISDICTIONAL STATEMENT

7. Plaintiff brings this action pursuant to the common law of the State of North Carolina, Title VII of the Civil
Rights Act of 1964, 42 U. S. C. 2000e et. Seq., and Title I of the Civil Rights Act of 1991, 42 U. S. C.
1981a.

IV. FACTUAL STATEMENT

8. Plaintiff Jackie Dawn Lutz was employed by Defendant Pike from March 16, 1998, until April 14, 2000.
9. Plaintiff at the time of her constructive discharge was a secretary/dispatcher for the Defendant Neil
Sanders.
10. During the entire tenure of her employment with the Defendant Pike, Plaintiff Lutz was sexually harassed
by various management personnel of the Defendant Pike.
11. Such harassment included Mike Stillwell saying, "I like your dress and everything in it even better. Bobby
Ellis was constantly kissing at Plaintiff, even after he was cautioned by supervisor Bo Lenkford. Ernest
Johnson popped Plaintiff on the rear end with rolled up papers. Bobby Ellis gave Plaintiff a Pike Golf Shirt.

1 When Plaintiff wore the golf Shirt Bobby Ellis told Plaintiff, she was suppose to wear the shirt without a
2 bra. Ernest Johnson coming up from behind and massaging Plaintiff shoulders, and Neil Sanders and
3 Donald Anderson carried on a conversation about the size of a doctor's fingers and that Plaintiff would
4 probably want to know that doctors name. Plaintiff rejected all comments and sexual advances made by
5 anyone at Pike.

6 12. As a result of this hostile work environment Plaintiff could no longer take the pressure and was
7 constructively discharged from her position.

8 13. More than 180 days prior to filing this action, Plaintiff filed a charge of discrimination with the EEOC
9 alleging that she had been discriminated against by all the Defendants, when she was harassed and
10 constructively discharged.

11

12

13 V. LEGAL CLAIMS

14 PLAINTIFF'S FIRST CAUSE OF ACTION - - Quid Pro Quo Sexual Harassment and Wrongful Termination of
15 Employment and in Violation of North Carolina Public Policy

16

17

18 14. The Paragraphs enumerated here and above are reincorporated by reference herein.

19 15. The public policy of the State of North Carolina includes the prohibition against discriminating against
20 employees who refuse sexual advances and reject sexual harassment in violations of Title VII of the Civil
21 Rights Act of 1964.

22 16. In allowing and participating in the sexual harassment and constructively discharging the Plaintiff the
23 Defendants violated the public policy of the State of North Carolina.

24 17. As a result of Defendants' acts, Plaintiff has lost wages and benefits, and suffered emotional distress.
25 Plaintiff is entitled to receive compensatory damages in an amount in excess of \$10,000.00

26 18. Defendants' actions were done maliciously, willfully or wantonly, or in a manner that demonstrates a
27 reckless disregard for the Plaintiff's rights. As a result of Defendants' conduct, Plaintiff is entitled to
28 recover punitive damages in an amount in excess of \$10,000.00

1
2 B. PLAINTIFF'S SECOND CAUSE OF ACTION - - Violation of Title VII

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4
5 19. Since at least the fall of 1999, the Defendants have engaged in unlawful employment practices at the
6 Charlotte office of Pike Electric, Inc., in violation of Section 703 and 704(a) of the Title VII of the Civil
7 Rights Act of 1964, 42 U.S.C. 2000e-2 and 3(a) et. seq.
- 8 20. Plaintiff has satisfied the jurisdictional prerequisites to an action under Title VII by filing a charge of
9 discrimination against Defendants within 180 days of her termination. Plaintiff has received a right to sue
10 letter from the EEOC.
- 11 21. Defendants sexually harassed Plaintiff to the extent that it created a work environment so severe and
12 hostile that she was constructively discharged. Defendants' acts constitute a violation of Title VII's
13 prohibition against sex discrimination, including sexual harassment. Defendants have violated Section
14 704(a) of Title VII, 42 U. S. C. 2000e-3(a).
- 15 22. As a proximate result of Defendants' wrongful conduct Plaintiff suffered loss of wages and benefits,
16 emotional distress, humiliation, loss of reputation and other damages in an amount in excess of
17 \$10,000.00.
- 18 23. Defendants' actions were done maliciously, willfully or wantonly, or in a manner that demonstrates a
19 reckless disregard for the Plaintiff's rights. As a result of Defendant's conduct, Plaintiff is entitled to
20 recover punitive damages in an amount in excess of \$10,000.00.

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22
23 C. PLAINTIFF'S THIRD CAUSE OF ACTION - - Assault and Battery

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25
26 24. Earnest Johnson hit Plaintiff on the rear end with a rolled up paper after approaching Plaintiff from behind.
27 25. Plaintiff rejected this advance and made it clear to Earnest Johnson that this behavior was not acceptable.
28 26. Earnest Johnson touched the Plaintiff without her consent.
29 27. Plaintiff was kept constantly aware of and in apprehension of Earnest Johnson.

- 1 28. Plaintiff was in fear of a subsequent attack on her person.
- 2 29. Earnest Johnson again approached the Plaintiff from behind and began messaging Plaintiff's shoulders.
- 3 30. Plaintiff pulled away and again made it clear to Earnest Johnson that this touching was not with her
4 consent and was unwanted.
- 5 31. As a direct and proximate result of Earnest Johnson's placing Plaintiff in apprehension of being touched;
6 and Plaintiff being offensively touched, Plaintiff lost wages and benefits, suffered emotional distress,
7 humiliation, loss of reputation and other compensatory damages in an amount in excess of Ten Thousand
8 Dollars (\$10,000.00).
- 9 32. Ernest Johnson's actions were done maliciously, willfully or wantonly or in a manner that demonstrates
10 a reckless disregard for the Plaintiff's rights. As a result of Defendants' conduct, Plaintiff is entitled to
11 recover punitive damages in an amount in excess of Ten Thousand Dollars (\$10,000.00).

12

13 D. PLAINTIFF'S FOURTH CAUSE OF ACTION – Sexual Harassment.

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15

- 16 33. Plaintiff incorporates paragraphs 1 through 32 of this complaint herein and said paragraphs are hereby re-
17 alleged and incorporated herein by reference.
- 18 34. The Plaintiff at all times since beginning to work for the Defendants, was a good and loyal employee who
19 devoted her full time and energy and resources to the Defendants, and exercised her best effort to cause
20 the Defendants to be successful and prosperous and, in all respects, fully complied with the contract of
21 employment with the Defendants.
- 22 35. Soon after Plaintiff began her employment with Defendants when general foreman Mike Stillwell that he
23 liked my dress and everything in it even better.
- 24 36. Neal Sanders was Mike Stillwell's supervisor.
- 25 37. Plaintiff advised Neal Sanders of Mike Stillwell's comment.
- 26 38. Neal Sanders told Plaintiff he would take care of it.
- 27 39. Plaintiff never had a further problem with Mike Stillwell.
- 28 40. Bobby Ellis Zone Supervisor was constantly kissing at the Plaintiff.
- 29 41. Plaintiff informed Bo Lankford of the problem.

- 1 42. Bobby Ellis stopped the kissing until Bo Lankford was transferred out of Charlotte.
- 2 43. Bobby Ellis began the practice of kissing at Plaintiff again when Bo Lankford left.
- 3 44. Plaintiff was in her office alone standing up at the desk, bent over writing something down, when Ernest
- 4 Johnson Zone Supervisor came in from behind and hit Plaintiff on her rear end with rolled up papers in his
- 5 hand.
- 6 45. Plaintiff advised Neal Sanders of the incident.
- 7 46. Neal Sanders advised Plaintiff he would take care of it.
- 8 47. Plaintiff was asked by Donald Anderson Assistant Vice President if she had renewed her D. O. T.
- 9 physical.
- 10 48. Plaintiff advised that she had not.
- 11 49. Neal Sanders heard this conversation.
- 12 50. Neal Sanders stated that he had his D. O. T. physical renewed on March 24.
- 13 51. Neal Sanders removed his card from his wallet while making this statement.
- 14 52. Neal Sanders stated that "Don I bet that doctor had fingers this big."
- 15 53. Neal Sanders while making the statement in paragraph 52 put his index finger and thumb together to
- 16 show a big hole.
- 17 54. Neal Sanders and Donald Anderson both laughed.
- 18 55. Neal Sanders walked to his office.
- 19 56. Donald Anderson was then in the hallway in front of Neal Sanders door.
- 20 57. Donald Anderson then stated, "Neal, I bet Dawn wants to know the name of that doctor."
- 21 58. Plaintiff then stated, "No thanks, I Don't think so."
- 22 59. Neal Sanders and Donald Anderson then walked down the hallway and left for lunch.
- 23 60. Later that day, Plaintiff was alone in her office.
- 24 61. Ernest Johnson walked into the Plaintiff's office and put his hand on top his shoulder over her bra strap
- 25 and began to massage her shoulder.
- 26 62. Plaintiff let Ernest Johnson know this was unacceptable and he removed his hand.
- 27 63. Plaintiff was alone in her office and when Bobby Ellis came in and saw Plaintiff in a Pike Electric golf shirt.
- 28 64. Bobby Ellis stated, "You got on one of your new shirts, now you know you were suppose to come in here
- 29 without a bra.

- 1 65. Neal Sanders was trying to lose weight.
- 2 66. Neal Sanders asked Plaintiff several time if she could tell he was losing weight.
- 3 67. Plaintiff was also trying to lose weight.
- 4 68. Plaintiff asked Neal Sanders if he could tell she was losing weight.
- 5 69. Neal Sanders said, "Yes, you're boobs are smaller."
- 6 70. The unwanted sexual harassment increased with Plaintiff's term of employment.
- 7 71. The unwanted sexual harassment advanced up the management hierarchy during Plaintiff's term of employment.
- 8
- 9 72. As a direct result of the intentional infliction of emotional distress by each of the Defendants, and by the corporate Defendant, through its agents, managers and officers, the Plaintiff has suffered severe mental and emotional distress, has been required to seek medical attention for this problem, and has incurred medical expenses for doctors' services and medication which were necessitated by the actions of the Defendants both independently and in concert.
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- 14 73. Because of the actions above set forth Defendants are jointly and severally liable to the Plaintiff for compensatory damages in a sum in excess of Ten Thousand Dollars (\$10,000.00).
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- 16 74. The actions of the Defendants and the corporate Defendant, by and through its agents, employees and managers and officers were willful and wanton and were in total disregard of the rights of the Plaintiff and give rise to punitive damages.
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- 19 75. Because of the above actions above set forth Defendants are jointly and severally liable to the Plaintiff for punitive damages in a sum in excess of Ten Thousand Dollars (\$10,000.00).
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III. JURY TRIAL DEMANDED

76. Plaintiff hereby demands a trial by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays this Honorable Court enter judgment against Defendants as follows:

1. Enter a judgment against the Defendants finding that they have sexually harassed and constructively discharged Plaintiff;
 2. Declare that Defendants have violated Plaintiff's rights under Title VII of the Civil Rights Act of 1964;
 3. Award Plaintiff compensatory damages in excess of \$10,000.00, including damages for financial loss suffered and for emotional pain and suffering; humiliation, anxiety, loss of reputation, and harm to Plaintiff's economic opportunities;
 4. Award Plaintiff punitive damages for Defendants' willful and malicious conduct;
 5. Award Plaintiff costs and reasonable attorney fees to Plaintiff's attorney;
 6. Award Plaintiff prejudgment interest on the above;
 7. Grant such other relief to Plaintiff as this Court deems equitable.

This the 27th day of April, 2001.

Respectfully submitted,

Michael A. Johnson, Jr.
153 Church Street, NE
Concord, North Carolina 28025
Telephone: (704) 788-6721
Facsimile: (704) 795-9826

VERIFICATION

**STATE OF NORTH CAROLINA
CABARRUS COUNTY**

Jackie Dawn Lutz, being duly sworn deposes and says:

, That the contents of the foregoing Complaint are true to her own knowledge, except as to matters stated upon information and belief, and as to those matters (s)he believes them to be true.

People Dawn' Lutz

**Sworn to and subscribed before me, this
27th day of March, 2001.**

Notary Public

My Commission Expires: August 4, 2003